



Choice Provisions in No Child Left Behind

Tennessee Department of Education
Regional Training Sessions

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Choice Provisions

■ Supplemental Services

- Title I, section 1116(e)

■ Public School Choice

- Title I, section 1116(b)(E)

■ Unsafe Schools Choice Option

- Title IX, section 9532

Purpose of Public School Choice

To offer a student enrolled in a Title I school that is in need of improvement an opportunity to attend another school, even as his/her original school is undergoing improvement, so that he/she doesn't fall further behind while the school is improving.



Public School Choice

Beginning in the 2002-2003 school year, Title I schools must offer public school choice if the school is a high priority school.

School officials should engage energetically in both efforts to:

- Improve low-achieving schools
- Implement public school choice provisions

So the vision of NCLB--a high quality education for all can be achieved.



Eligible Students

- **All** students enrolled in high priority Title I schools are eligible for choice.
- Priority must be given to the lowest achieving, low income students.

Priority to Lowest Achieving, Low Income Students

- If not all students can attend their first choice of schools, an LEA would give priority in assigning spaces to low achieving, low income students.
- If the LEA doesn't have sufficient funding to provide transportation to all who wish to transfer, this priority determines which students receive transportation.

Determining “Lowest Achieving”

LEAs have flexibility in determining which students from low-income families are lowest achieving and thus must be given priority for public school choice

Determining “Lowest Achieving”— Examples

1. Students might be rank-ordered based on their achievement levels as determined using objective educational measures, such as the State assessment.

Determining “Lowest Achieving”— Examples

2. Alternatively, the LEA might allow all eligible students who receive less than a certain score on the State assessments (for instance, all who score “below basic” in reading or math) to change schools.
3. Another option might be to base the determination on student grades.

Schools That Can Receive Students

- May not be identified as a high priority school
- May include a public charter school within the LEA
- May be virtual school
- May be, but are not required to be, Title I schools.

Schools That *Cannot* Receive Students

- Identified as high priority
- Identified by the State as persistently dangerous.

Number of Options

The LEA must offer more than one choice to eligible students.

If No Schools Are Available

- Parents must *still* be notified
- Such notification might also inform parents of the option of supplemental services for those children who are eligible

If No Schools Are Available

- May establish a cooperative agreement with other LEAs
- May offer supplemental educational services to all students who are eligible earlier than required.

Notifying Parents

- Notify **all** parents of students enrolled in Title I schools that have been identified as having to provide choice.
- This notification must be comprehensive and in an easy-to-understand format.

TransACT NCLB Communication Center



TransACT NCLB Communication Center (cont'd)

The screenshot shows the America Online browser interface with the TransACT NCLB Parent Communication Center website loaded. The browser's address bar displays the URL: <http://www.mynclb.com/index.cfm?Location=1&Language=1&Frameset=1&DocumentID=0>. The website header features the "TransACT™ NCLB Parent Communication Center™" title and a "No Child Left Behind" logo. A navigation bar includes tabs for "No Child Left Behind", "Accountability and Compliance", "Health and Medical", "School Administration", "National School Lunch Program", and "Special Services". The main content area lists various NCLB-related documents and forms, each with a status icon (e.g., envelope, star, checkmark). A left sidebar contains a "HOME" link, a language selection menu (English, Arabic, Hmong, Russian, Spanish, Vietnamese), a "Log Out" link, and a "REFER a COLLEAGUE" button. The bottom of the browser window shows a "Blocking Pop-ups" notification.

TransACT™ NCLB Parent Communication Center™

HOME

> **English**
Arabic
Hmong
Russian
Spanish
Vietnamese

Log Out

REFER a COLLEAGUE

NCLB Documents and Forms:

- NCLB-B6 - Parent Participation Form for Parent Meeting of English Language Learners
- NCLB-B7 - Notice of Progress, Title III Annual Program Achievement Objectives
- NCLB-B8 - Important Information - Please Complete Notices ★
- NCLB-B9 - Important Information - Please Read Notices ★
- NCLB-C1 - Status of School Adequate Yearly Progress (AYP) - UPDATED 08/2003 ✓
- NCLB-C3 - Notice of State Review of District, Adequate Yearly Progress - AYP ★
- NCLB-D1 - Annual Notice of Supplemental Services for Title I Schools ✓
- NCLB-D2 - Parent Request for Supplemental Services
- NCLB-D3 - Determination of Student Eligibility for Supplemental Services
- NCLB-D4 - Parent Request for Withdrawal from Supplemental Services
- NCLB-D5 - District Agreement with State-Approved Supplemental Services Provider ★
- NCLB-E1 - Request for School Transfer, Public School Choice
- NCLB-E2 - District Response to School Transfer, Public School Choice
- NCLB-E3 - District Response to School Transfer, Alternative to Public School Choice
- NCLB-E4 - District Confirmation of School Transfer, Public School Choice ★
- NCLB-F1 - District Parent Involvement Policy Meeting, Invitation to Participate
- NCLB-F2 - School Parent Involvement Policy Meeting, Invitation to Participate
- NCLB-F3 - Parent Participation Form for District Parent Involvement Meeting ✓

Blocking Pop-ups 0



TransACT NCLB Communication Center (cont'd)

The screenshot shows the America Online browser window displaying the TransACT NCLB Parent Communication Center. The browser's address bar shows the URL: <http://www.mynclb.com/index.cfm?Location=1&Language=1&Frameset=1&DocumentID...>. The browser's menu bar includes File, Edit, Print, Window, Sign Off, and Help. The toolbar contains various icons for Mail, People, Services, Settings, Favorites, and Parental Controls. The main content area features a red header with the TransACT logo and the title "NCLB Parent Communication Center". Below the header, there are several tabs: No Child Left Behind, Accountability and Compliance, Health and Medical, School Administration, National School Lunch Program, and Special Services. A link "CLICK HERE to GO BACK to the Vietnamese Directory of Documents" is visible. The left sidebar contains a "HOME" section with a link to "NCLB-E1 - Request for School Transfer, Public School Choice" and a list of languages: English, Arabic, Hmong, Russian, Spanish, and Vietnamese (selected). A "Log Out" button and a "REFER a COLLEAGUE" button are also present. The main content area displays a form titled "Tennessee Department of Education" and "Yêu Cầu Để Được Chọn Chuyển Trường Công Lập". The form includes fields for "Trường:" and "Ngày:", a "Xin Hồi Đáp bằng Tiếng Anh" button, and a "Vietnamese Request for School Transfer Public School Choice" button. The form text reads: "Kính Gởi Quý Phụ Huynh hoặc Giám Hộ: Chiều theo Đạo Luật Không Trẻ Nào Bị Bỏ Rời được ban hành năm 2001, quý vị được quyền yêu cầu chuyển con em của quý vị sang một trường khác nếu trường mà em đang học không đạt được Mức Tiến Bộ Thỏa Đáng Hằng Năm (AYP) trong hai hay nhiều năm liên tiếp. Nếu quý vị muốn yêu cầu được chuyển trường, xin điền một đơn riêng 'Yêu Cầu Được Chọn - Chuyển Trường Công'". The bottom of the browser window shows a status bar with "Done", "Blocking Pop-ups", and "1 of 1".

America Online - [http://www.mynclb.com/index.cfm?Location=1&Language=1&Frameset=1&DocumentID...]

File Edit Print Window Sign Off Help

Mail People Services Settings Favorites

Read Write IM Chat Shop Internet AOL Help My Favorites Radio Parental Controls

Channels AOL Keyword http://www.mynclb.com/index.cfm?Location= Go Search

TransACT™ NCLB Parent Communication Center™

No Child Left Behind Accountability and Compliance Health and Medical School Administration National School Lunch Program Special Services

CLICK HERE to GO BACK to the Vietnamese Directory of Documents

Save a Copy Print Email Search Select Text Exchange ideas, not paper

75%

Xin Hồi Đáp bằng Tiếng Anh

Vietnamese
Request for School Transfer
Public School Choice

Tennessee Department of Education
Yêu Cầu Để Được Chọn
Chuyển Trường Công Lập

Trường: _____ Ngày: _____

Kính Gởi Quý Phụ Huynh hoặc Giám Hộ:

Chiều theo Đạo Luật Không Trẻ Nào Bị Bỏ Rời được ban hành năm 2001, quý vị được quyền yêu cầu chuyển con em của quý vị sang một trường khác nếu trường mà em đang học không đạt được Mức Tiến Bộ Thỏa Đáng Hằng Năm (AYP) trong hai hay nhiều năm liên tiếp.

Nếu quý vị muốn yêu cầu được chuyển trường, xin điền một đơn riêng "Yêu Cầu Được Chọn - Chuyển Trường Công"

8.5 x 11 in 1 of 1

Done Blocking Pop-ups 0



Notifying Parents (cont'd.)

- At a minimum, this notification must:
 1. Inform parents that their child is eligible to attend another public school;
 2. Identify each public school, including public charter schools, that the parent can select; and
 3. Describe the academic performance and overall quality of those schools

Notifying Parents (cont'd.)

- Other things to possibly include:
 - Explanation of why choices made available to parents may have been limited.
 - Description of special academic programs or facilities, information about before/after school programs, and teacher qualifications.

Notifying Parents (cont'd.)

- In addition to mailing notices to parents, the LEA must provide information through broader means:
 - Newspapers
 - Posters
 - Internet



Timeline for Choice



- An LEA might set different timelines for parents to make decisions on choice, depending on the circumstances in the LEA and its schools.
- For example:
 - Spring of the prior year
 - Beginning of the school year
 - Beginning of second semester

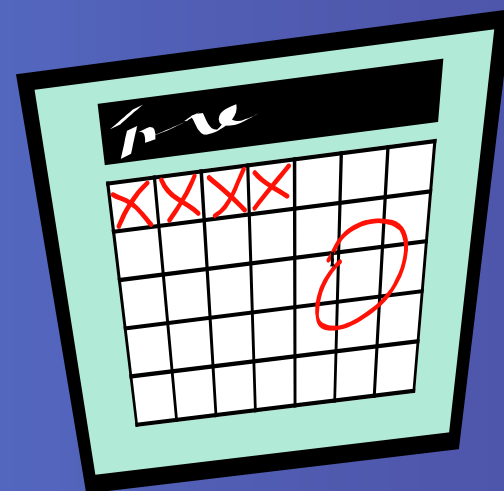
Timeline for Choice



Alternatively the LEA may establish a “window” during which parents must exercise their choice option.

When?

An LEA must make PSC available for eligible students not later than the first day of the school year following the school year in which the LEA administered the assessments that resulted as the school being identified for improvement, corrective action or restructuring.



- If for some reason the LEA does not receive information from the SEA in time to offer choice at the beginning of the school year, it must make choices available as quickly as possible, so parents can exercise choice and students can enter new schools before the school year gets well underway.
- Under no circumstances should an LEA wait until the next school year before providing the opportunity to transfer to eligible students

LEA Makes the Final Decision Regarding Assignment of Choice School

- Even though not all will get their first choice, LEA must still consider parents' preferences in making a decision.
- Give priority to lowest-achieving eligible children.
- Consider allowing parents to rank-order preferences, and respect these to the extent practicable.

LEA Makes the Final Decision Regarding Assignment of Choice School (cont'd)

- Parents must have the option to decline the transfer opportunity selected by the LEA.
- Parents in schools subject to both PSC and supplemental educational services (SES) may elect to have the child remain in the original school and receive SES.

Length of Time for Choice

- The LEA must offer choice to all students in an eligible Title I school until that school is no longer identified as a high priority school.

Length of Time for Choice

- An LEA must permit the student to remain in the new school until the student has completed the highest grade in the school.
- However, the LEA is no longer obligated to provide transportation when the student's school of origin is no longer identified as high priority.

Special Circumstances

- The PSC Guidance addresses:
 - Children who transfer to a new school that then becomes high priority.
 - Students who transfer to a new school and then move out of their original attendance area.
 - Students assigned to a high priority school by court order or for disciplinary reasons.

Desegregation & Civil Rights Issues

- An LEA complying with a desegregation plan is not exempt from offer students the option to transfer.
- An LEA should review the parameters of its desegregation plan in implementing choice.

Desegregation Orders and Choice

- The LEA may need to seek court approval for amendments to the plan.
- If the plan has been agreed to with the Department's Office for Civil Rights, OCR will work with the LEA to enable the LEA to comply with Title I public school choice requirements.

Responsibilities of the Receiving School

- Must ensure that the students are able to participate fully in the school.
- Students should be enrolled in classes & activities in the same manner as all others.

Responsibilities of the Receiving School-Athletics

- If the LEA has a policy requiring transfer students under any other choice option to “sit out” from interscholastic sports for a period of time after the transfer, then it may apply that policy to students who transfer under Title I. If not, one may not be imposed on those who enter under Title I provisions.
- Apply SEA or State athletic association policies in the same way.

Special Education & Choice

LEA must ensure that students with disabilities receive a free appropriate public education (FAPE) consistent with IDEA, Section 504, and ADA in their schools of choice.

Special Education & Choice (cont'd)

- Receiving school may elect to implement IEP or Section 504 plan developed by the prior school OR develop a new one.
- Prior to making a final decision, parents should visit & discuss their child's needs with the prospective school.

Special Education & Choice (cont'd)

- If nondisabled students have the opportunity to be educated in adequately performing and safe schools, disabled children must also have this opportunity.
- However, an LEA is not required to offer students with disabilities the same choices of schools as it offers to nondisabled students.

Special Education & Choice (cont'd)

A change of the location of delivery of services, in and of itself, does not constitute a “change of placement” as defined under IDEA.

PSC and Capacity



- May not use lack of capacity to deny students the option to transfer
- May take capacity into consideration in deciding which choices to make available to eligible students

PSC and Capacity (cont'd)

If an LEA lacks sufficient capacity in its schools that are not identified as high priority (or as persistently dangerous) to accommodate the demand for transfers by all eligible students, the LEA must create additional capacity or provide choices of other schools.



Options to Create Capacity

- Reconfiguring space
- Expanding space
- Redrawing attendance zones
- Creating satellite campuses
- Creating a school within a school
- Creating new charter schools in the LEA

Options to Create Capacity (cont'd)

- Developing distance learning
- Reshaping long-range construction & renovation plans to ensure space at schools likely to receive students
- Modifying the school calendar or day
- Initiating inter-district choice programs

General Funding Issues

- Title I statute and regulations do not require that local, State, or Federal funds “follow the child” to his/her new school.
- However, LEAs should insure that receiving schools have the necessary resources to accommodate students who enter via Title I choice options.



Funding for Choice

- Unless a lesser amount is needed, an LEA must spend up to an amount equal to 20% of its Title I, Part A allocation on:

5% = Choice-related transportation;

5% = Supplemental educational services; or

10% = A combination of the above.



Funding for Choice (cont'd)

An LEA not required to provide SES must spend the equivalent of 20% of its Title I allocation on choice-related transportation or a lesser amount that satisfies all the demand from the parents of eligible students for transportation.

Choice-Related Transportation

- An LEA must provide transportation to the new school.
- An LEA is responsible for transportation until the school of origin is no longer in improvement status.

Transportation Funding & Issues

- LEA must pay for OR provide transportation to the new choice school.
- Title I funds, as well as other allowable Federal, State, and local funds and private resources may be used.



Transportation Strategies

- Establish transportation zones
- Compensate parents for transportation
(when their child is geographically isolated, has special needs, or may be the only student transferring from the school)
- Provide tokens for public transit
- Use small vans, as well as larger buses
- Stagger school start times

Transportation Funding & Issues

- If funds aren't sufficient to provide transportation to each student wishing to transfer, the LEA must give priority to the lowest achieving students from low-income families.
- However, the LEA must still offer the opportunity to transfer to ALL students.

Transportation Funding & Issues

- Title I funds may be used only to supplement, not supplant the level of funds that in the absence of Title I funds would be made available from non-Federal sources for the transportation of children.

School Choice Reporting Requirements

- The number of students and schools that participate in public school choice must be included in the State's annual Title I State report.
- The law also requires that the information in this report be made widely available within the State.

PSC and Non-Title I Schools

- TCA 49-1-602 requires that public school choice be offered to students in non-Title I schools beginning after their fourth year of not making AYP.
- The major difference is that transportation is not required for students transferring from non-Title I high priority schools.

Unsafe Schools Choice Option

- Allows students to transfer when:
 1. A school is determined to be “persistently dangerous,” and/or
 2. A student becomes the victim of a violent crime at a school.

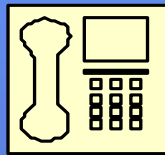
Persistently Dangerous Schools

- State Board of Education has developed objective criteria used to identify unsafe schools.
- The State should look for trends in the data or patterns of incidents.

Victims of Violent Crime

- The LEA must allow the student to transfer to another public school.
- The transfer is optional.

QUESTIONS or ASSISTANCE?



Charter Schools and Choice

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6 Key Principles for a Quality PSC Plan:

1. Choice is an important opportunity for parents and children
2. Choice is an important component of the overall district educational improvement plan.
3. An overriding goal is to provide students with access to quality instruction.

6 Key Principles for a Quality PSC Plan (cont'd)

4. Communication with parents is timely and thorough.
5. Information on choices is provided to parents in a format that is easy to understand.
6. Real choice means giving parents more than one option from which to choose.

Key Actions to Implement Choice

ACTION	FIRST STEPS
Help parents make informed choices	<ul style="list-style-type: none">• Communicate clearly about NCLB choice options & provide personalized follow-up
Build district Infrastructure	<ul style="list-style-type: none">• Assign & coordinate responsibilities• Determine space & transportation options• Build information processing capacity

Key Actions to Implement Choice (cont'd)

ACTION	FIRST STEPS
Support Schools	<ul style="list-style-type: none">• Communicate to schools about choice• Prepare schools to communicate with parents
Improve Programs Over Time	<ul style="list-style-type: none">• Track parental choices & school enrollments• Survey parents